



PUBLIC NOTICE  
THE ELOY CITY COUNCIL  
Meets  
MONDAY, NOVEMBER 28, 2016  
6:00 P.M.  
ELOY CITY COUNCIL CHAMBERS  
628 NORTH MAIN STREET  
ELOY, ARIZONA 85131  
For a  
REGULAR MEETING

AGENDA

- I. Call to Order
- II. Invocation
- III. Pledge of Allegiance
- IV. Roll Call
- V. Communications

VI. **Appearances from the Floor**

Those wishing to **ADDRESS THE CITY COUNCIL** may do so by signing in on a form provided by the City Clerk, identifying the topic(s) or agenda item(s). **ACTION** taken as a result of public comment regarding non agenda items will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date. **SPEAKERS SHALL BE LIMITED TO THREE (3) MINUTES.**

VII. **Executive Session**

Possible executive session for discussion/consultation for legal advice with the city attorney and/or city staff concerning any of the agenda items, pursuant to A.R.S. §38-431.03 (A) (3) and (4).

VIII. **Consent Agenda**

**ALL ITEMS LISTED WITH AN ASTERISK (\*) ARE CONSIDERED TO BE ROUTINE MATTERS AND WILL BE ENACTED BY ONE MOTION AND ONE ROLL CALL VOTE OF THE COUNCIL. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCIL MEMBER SO REQUESTS, IN WHICH EVENT THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA.**

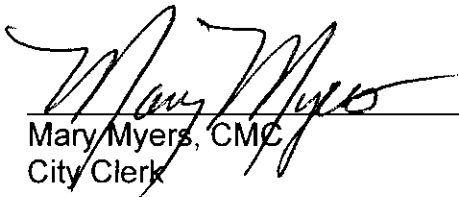
**IX. Business: Possible Discussion and/or Action on the Following:**

- \*A. Approval of Minutes: 11/14/2016 (regular)
- \*B. Authorize a \$5,000 merit increase to the annual base salary of the City Clerk.
- \*C. Authorize the issuance of \$100 vouchers to City employees for use at local IGA Food Town Grocery Stores.
- \*D. Authorize the City to enter into an Intergovernmental Agreement with the Arizona Department of Housing to allow the Building Official to enforce installation standards for Manufactured Housing locating within the City of Eloy.
- \*E. Council authorize City staff to apply for Federal grant funds to improve Toltec Road from Battaglia Road to I-10, and Battaglia Road from Sunshine to Hwy 87.
- F. Presentation from Mr. Ken Hall, Executive Director of the Central Arizona Governments (CAG), on the structure and services provided by CAG
- G. Quarterly Update from Jim Dinkle on Economic Development Activities and Projects.
- H. Acceptance of the Comprehensive Services Delivery and Staffing Review of the Eloy Police Department prepared by Citygate Associates, LLC.

**X. Informational Items: None**

**XI. Adjournment**

**POSTED BY WEDNESDAY, NOVEMBER 23, 2016 BY 5:00 P.M. AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: [www.elayaz.gov](http://www.elayaz.gov)**



Mary Myers, CMC  
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COUNCIL AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

# CONSENT AGENDA

Agenda Item IX-A

Date: 11/28/16

**MINUTES OF THE REGULAR MEETING OF  
THE ELOY CITY COUNCIL  
CITY OF ELOY  
628 NORTH MAIN STREET  
NOVEMBER 14, 2016  
6:00 P.M.**

**Staff Present:** Harvey Krauss-City Manager; Stephen R. Cooper-City Attorney; Mary Myers-City Clerk; Brian Wright-Finance Director; Ken Martin-Public Works Director/City Engineer; Rus Ketcham-Library Director; Paul Anchondo-Parks and Recreation Director; Jon Vlaming-Community Development Director; Bill Pitman-Police Chief; Sylvia Payne-HR Director; Lori Francisco-Grants Writer; Zenia Cornejo-Management Assistant

**I. CALL TO ORDER**

Mayor Belloc called the meeting to order at approximately 6:03 p.m.

**II. INVOCATION**

Invocation was given by Mrs. Rosie Coyle.

**III. PLEDGE OF ALLEGIANCE**

Mayor Belloc led Council and the public in the Pledge of Allegiance.

**IV. ROLL CALL**

Council Members Present: Councilmember Andrew Rodriguez; Vice Mayor Micah Powell; Councilmember J.R. Nagy; Councilmember J.W. Tidwell; Mayor Joel Belloc

Council Members Absent: \*Councilmember JoAnne Galindo; Councilmember Augustine Saucedo

\*Participated in Executive Session via telephone.

**V. COMMUNICATIONS**

1. Mayor Belloc and Vice Mayor Powell presented certificates to members of the Eloy Junior High School Blue Devils football team for an undefeated season and winning division championship.
2. Mrs. Myers read a proclamation declaring the month of November as American Diabetes month in Eloy.
3. Mayor Belloc thanked everyone involved in the annual Veteran's Day parade last Friday. The parade was very well attended and there were many parade entries. He stated the grand marshal was the family of Lance Corporal Francisco Jimenez.
4. Mr. Krauss conveyed the following communications to Council:
  - Thanked all city departments for their participation in the annual Veterans Day celebration;
  - Council and staff will be touring several city halls in the west valley November 21<sup>st</sup>. The bus will leave at 7:30 a.m. from city hall and return around 6:30 p.m.;
  - Correction to agenda item IX-E on tonight's agenda. The staff report states a \$2000 financial contribution to the MLK celebration. The correct amount is \$3000;
  - City offices will be closed Thanksgiving Day and the day after Thanksgiving;
  - Invitation to Council from Access Arizona for an informal session with elected officials from partner communities. The gathering is scheduled December 15<sup>th</sup>, 7:30 a.m. at Robson Ranch. Breakfast will be served; and
  - The annual employee appreciation luncheon is scheduled for December 9<sup>th</sup>, from 11:30 a.m. to 1:30 p.m. All administrative offices (with exception to police and emergency operations) will be closed during this time.

**VI. APPEARANCES FROM THE FLOOR**

None.

**VII. EXECUTIVE SESSION**

Mayor Belloc moved Executive Session after Informational Items on the agenda.

Councilmember Tidwell told Mayor Belloc that when Council gets to item IX-M, he would like to go into Executive Session.

## **VIII. CONSENT AGENDA**

- | <u>Agenda Item</u> | <u>Subject</u>                                                                                                                                                                                                                                                                                                                                                                                                                    |
|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| IX-A.              | Approval of Minutes: 10/24/16 (regular)                                                                                                                                                                                                                                                                                                                                                                                           |
| IX-B.              | Authorization to cancel the December 27, 2016 City Council meeting and close city offices from 11:30am - 1:30pm on December 9, 2016 for the City's Annual Employee Appreciation Luncheon.                                                                                                                                                                                                                                         |
| IX-C.              | Extension of the Wastewater Treatment Plant (WWTP) Operations Assistance Agreement with Valentine Engineering to provide the services of a Plant Operator 3.                                                                                                                                                                                                                                                                      |
| IX-D.              | Grant-in-Aid Agreement with the Tohono O'Odham Nation for the acceptance and expenditure of \$60,000 to supplement the City's Housing Rehabilitation program.                                                                                                                                                                                                                                                                     |
| IX-E.              | Co-sponsorship of the 2017 Martin Luther King, Jr. day celebration on January 16, 2017 with financial assistance and in-kind services.                                                                                                                                                                                                                                                                                            |
| IX-F.              | Resolution No.: 16-1402 approving a General Plan Amendment on approximately 0.83 acres at the southwest corner of Shedd Road and Tumbleweed Road (3930 N. Tumbleweed Road) designating the property in question from Medium Density Residential (MDR) to High Density Residential (HDR). (Assessor's Parcel Number: 404-08-364A in a portion of Section 26, T7S, R7E of the G&SRB&M, Pinal County, Arizona). Case No.: GPA16-022. |
| IX-G.              | Ordinance No.: 16-858 rezoning approximately 0.83 acres at the southwest corner of Shedd Road and Tumbleweed Road (3930 N. Tumbleweed Road) from R-12 (Low Density Residential) to R-4 (High Density Residential) (Assessor's Parcel Number: 404-08-364A in a portion of Section 26, T7S, R7E of the G&SRB&M, Pinal County, Arizona). Case No. RZ16-023.                                                                          |
| IX-H.              | Conditional Use Permit request by EPS Group, Inc. on behalf of the property owner (Danny L. Curtis) to allow the operation of a Bed and Breakfast establishment as permitted within the R-4 (High Density Residential) Zoning District with a Conditional Use Permit (CUP) – Case No. CUP 16-024.                                                                                                                                 |

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to approve the Consent Agenda with correction to agenda item IX-E as stated by Mr. Krauss under "Communications", passed unanimously by roll call vote.

## **IX. BUSINESS**

- I. **CONDUCT A PUBLIC HEARING AND ADOPT RESOLUTION NO.: 16-1400, APPROVING A STAFF INITIATED A MAJOR GENERAL PLAN AMENDMENT ON APPROXIMATELY 202 ACRES LOCATED WEST OF THE PLANNING AREA ON THE EAST AND WEST SIDES OF SUNLAND GIN ROAD FROM WEST NELSON FARM ROAD TO THE SOUTHERN RIGHT OF WAY OF THE UNION PACIFIC RAILROAD FROM**



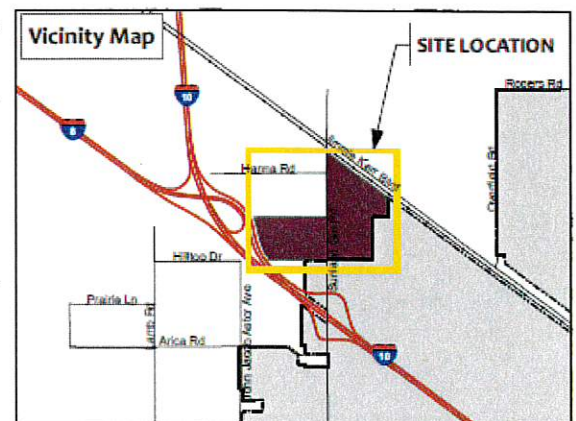
**EMPLOYMENT ON THE PINAL COUNTY COMPREHENSIVE PLAN TO GENERAL INDUSTRIAL (GI), LIGHT INDUSTRIAL (LI), COMMUNITY COMMERCIAL (CC) AND HIGH DENSITY RESIDENTIAL (HDR). (ASSESSOR'S PARCEL NUMBERS: 511-33-008E, 511-33-008F, 511-33-016A, 402-15-037B, 402-15-037D, 402-15-037J, 402-15-037K, 402-15-037M, 402-15-037Q, 402-15-037R, 511-33-008M, 511-33-015C, 511-70-003C, 511-70-003D AND 511-33-008K IN A PORTION OF SECTION 18 OF T7S, R7E OF THE G&SRB&M, PINAL COUNTY, ARIZONA). (CASE NO.: GPA 16-014).**

**Cover sheet discussion:** *City Council conduct a public hearing on a Major General Plan Amendment (Case No.: GPA 16-014) on approximately 202± acres generally located east and west of Sunland Gin Road from the southern boundary of the Union Pacific Railroad on the north to the W. Nelson Farm Road alignment on the south from Employment on the Pinal County Comprehensive Plan to General Industrial (GI), Light Industrial (LI), Community Commercial (CC) and High Density Residential (HDR).*

*City Council adopt Resolution No.: 16-1400 approving a Major General Plan Amendment (Case No.: GPA 16-014) on approximately 202± acres generally located east and west of Sunland Gin Road from the southern boundary of the Union Pacific Railroad on the north to the W. Nelson Farm Road alignment on the south from Employment on the Pinal County Comprehensive Plan to General Industrial (GI), Light Industrial (LI), Community Commercial (CC) and High Density Residential (HDR).*

#### **DISCUSSION:**

*The City of Eloy Community Development and Public Works Department staff were approached in 2015 by one of the subject property owners (who own and operate the Travel Lodge located at 7190 S. Sunland Gin Road, Eloy, AZ 85231) for the purpose of receiving City water and sewer services. The Community Development Department staff subsequently made contact with several of the property owners (as identified on the list below) to determine their level of interest in joining the annexation effort of Travel Lodge to incorporate their properties into the City of Eloy City. As a result of the expansion of the area to be annexed in the future, a general plan amendment was necessary (due to the fact that none of these properties are identified as comprising a part of the existing Eloy General Plan Land Use Map).*



*The properties that are subject to this request are located along the east and west sides of Sunland Gin Road, from the southern boundary of the Union Pacific Railroad on the north to the W. Nelson Farm Road alignment on the South. These parcels are identified by Pinal County Assessor's Numbers: 511-33-008E, 511-33-008F, 511-33-016A, 402-15-037B, 402-15-037D, 402-15-037J, 402-15-037K, 402-15-037M, 402-15-037Q, 402-15-037R, 511-33-008M, 511-33-015C, 511-70-003C, 511-70-003D and 511-33-008K.*

<i>APN</i>	<i>NAME</i>	<i>CURRENT LAND USE</i>	<i>PROPOSED LAND USE</i>
511-33-008E	P&M CASA GRANDE INVESTMENTS LLC	Unincorporated Pinal County. This area is not currently included in the City of Eloy Land Use Map.	COMMUNITY COMMERCIAL
511-33-008F	P&M CASA GRANDE INVESTMENTS LLC		COMMUNITY COMMERCIAL
511-33-016A	SEO PROPERTIES, LLC		LIGHT INDUSTRIAL
402-15-037B	WELLS FARGO BANK		COMMUNITY COMMERCIAL
402-15-037D	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037J	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037K	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037M	CORNEJO SANTO & EVA M		COMMUNITY COMMERCIAL
402-15-037Q	JOHNSTON VIRGINIA ETAL		COMMUNITY COMMERCIAL AND HIGH DENSITY RESIDENTIAL
402-15-037R	JOHNSTON VIRGINIA ETAL		HIGH DENSITY RESIDENTIAL AND COMMUNITY COMMERCIAL
511-33-008M	PONDEROSA HILLS LLC		HIGH DENSITY RESIDENTIAL
511-33-015C	PONDEROSA HILLS LLC		HIGH DENSITY RESIDENTIAL
511-70-003C	SUTTON KENNETH R JR & TERRY R		GENERAL INDUSTRIAL
511-70-003D	SUTTON KENNETH R JR & TERRY R		GENERAL INDUSTRIAL
511-33-008K	SUTTON KENNETH R JR		COMMUNITY COMMERCIAL

*This request, if approved, would augment the Eloy General Plan Land Use Plan from approximately 202 acres along Sunland Gin Road, north of Interstate 10.*

*Arizona Revised Statutes (ARS) (§9-461.06) allows for the amendment of the City's General Plan through a minor and a major procedure, with such procedures identified in the general plan. For the Planning and Zoning Commission, the major amendments are presented at a single public hearing at a regularly scheduled meeting within the calendar year the proposal is made.*

*ARS (§9-461.05) also prescribes a 60-day review period for all Major General Plan Amendments. This year, the 60-day review period occurred between August 4th and October 3rd, 2016. The proposed changes were transmitted to all of the entities prescribed under ARS. The existing and proposed maps and narrative were also posted for review on the City's website and at the Eloy Library. An open house was also publicized and held on September 7<sup>th</sup>, 2016 at the Eloy Library to provide an opportunity for the public to attend and have any questions answered. A total of two residents attended. At the conclusion of the 60-day review period, the City did not receive any formal comments on these proposed changes.*

**STAFF FINDINGS:**

*Notification of the October 19, 2016 and the November 14, 2016 public hearings required for this proposed Major General Plan Amendment have been completed in accordance to the notice requirements set forth in the Eloy Zoning Ordinance. A public hearing was held by the Planning and Zoning Commission, who approved it on a 4-0 vote. These proposed uses are compatible with the adjacent future land uses of the surrounding area based on the fact that this request is compliant with the following Eloy General Plan Goals and Objectives:*

- Goal 1. Provide a range of land uses to encourage and maintain a sustainable community.*
- Objective 1. Maintain transitional buffers between high and lower impact land uses.*
- Objective 4. Maintain land use designation target ratios when amendments are proposed.*

*This request also conforms with the General Plan Amendment Guidelines:*

- 1. That the City has not provided adequate land uses designated that would allow for the proposed use to be sited as proposed. Due to the fact that this area was not previously located within the Eloy Planning Area, this guideline is moot.*
- 2. That the amendment constitutes an overall improvement to the General Plan and will not solely benefit a particular landowner or owners at any particular point in time but will be of benefit to the City in general. The ability to guide an area that is under consideration for annexation allows for the recommended land use pattern to foster a compatible, functional and fiscally beneficial land use pattern for the subject area.*
- 3. The amendment will not adversely impact any portion or entirety of the community, by:*
  - Significantly altering acceptable existing and planned land use patterns, (The uses recommended for these parcels are compatible with the existing land use pattern to the south and are supported by the parcel owners).*



- *Require additional and more expensive infrastructure improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and may impact developments in other areas, unless otherwise negotiated through a development agreement, or other mitigation plan, and demonstrated to be of benefit to the City, (The City currently has existing water and sewer service within the right of way on Sunland Gin Road, which is the basis for the annexation of the Travelodge parcel).*
  - *Adversely impact existing or previously planned uses through an unreasonable increase in traffic generated on existing systems by the proposed use, or (Sunland Gin Road is designated as a Major Arterial Roadway on the General Plan Circulation Map. As such, it is expected to accommodate the anticipated traffic generated by these residential and non-residential uses).*
  - *Adversely affect the livability of an area within the City or the health and safety of the residents. (The inclusion and recommended High Density Residential uses in an area that was not a part of the City's Planning Area has been appropriately sited to be compatible with the surrounding non-residential uses that compose the remaining portions of the subject area).*
4. *That the amendment is consistent with the General Plan's overall intent and other adopted plans, codes, and ordinances. (These recommended uses support the intent of the General Plan and are consistent with the existing and planned uses on the parcels).*

***FISCAL IMPACT: N/A***

Mr. Vlaming gave an overview of the proposed major general plan amendment request.

Mayor Belloc declared a public hearing open to allow comments and/or questions from the public regarding the request.

Manuel Padrone – 4680 E. Mustang Drive – Mr. Padrone wanted to know what the city plans to do with the land.

Mayor Belloc explained that it is not necessarily the city but the property owner who decides what to do with the property.

Mr. Vlaming added that the general plan is a document that guides the city's future land uses; it's not regulatory and has nothing to do directly with annexation.

There being no further questions or comments, Mayor Belloc declared the public hearing closed.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to read Resolution No. 16-1400 by title only, passed unanimously.

Mrs. Myers read the resolution title for the record.

Motion by Vice Mayor Powell seconded by Councilmember Tidwell to adopt Resolution No. 16-1400, passed unanimously by roll call vote.

**J. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO.: 16-1399 APPROVING A STAFF INITIATED MAJOR GENERAL PLAN AMENDMENT TO UPDATE MAPS, TABLES AND/OR TEXT IN THE EXISTING ADOPTED ELOY GENERAL PLAN, INCLUDING THE LAND OWNERSHIP MAP, CIRCULATION MAP, LAND USE MAP, DOWNTOWN DEVELOPMENT AND NEIGHBORHOOD PRESERVATION MAP (TO BE DELETED), GROWTH AREAS ELEMENT, PARKS, OPEN SPACE AND TRAILS ELEMENT AND HOUSING ELEMENT. (CASE NO.: GPA16-015).**

**Cover sheet discussion:**

1. *City Council conduct a public hearing on a Major General Plan Amendment (Case No.: GPA16-015) updating the Land Ownership Map (replace existing map with new map in GIS), Land Use Map (addition of the Airport Influence Area on the Land Use Map), Circulation Map (addition of proposed interchanges on the proposed North-South Freeway), Downtown Development and Neighborhood Preservation Map (to be deleted in its entirety), Growth Areas Element (text, tables and maps), Parks, Open Space and Trails Element (text, tables and maps) and Housing Element (text and tables).*
2. *City Council adopt Resolution No.: 16-1399 approving a Major General Plan Amendment (Case No.: GPA16-015) updating the Land Ownership Map (replace existing map with new map in GIS), Land Use Map (addition of the Airport Influence Area on the Land Use Map), Circulation Map (addition of proposed interchanges on the proposed North-South Freeway), Downtown Development and Neighborhood Preservation Map (to be deleted in its entirety), Growth Areas Element (text, tables and maps), Parks, Open Space and Trails Element (text, tables and maps) and Housing Element (text and tables).*

### **DISCUSSION:**

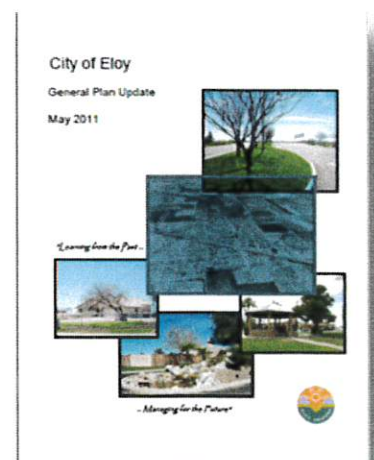
*The Community Development Department has sponsored this update (considered a Major Amendment) to the text, tables and/or maps to bring the Land Ownership Map, Land Use Map, Circulation Map, Growth Areas Element, Parks, Open Space and Trails and Housing Elements current with updated internal and external changes in the City's Planning Area, updated data and plans preparation and transition to a GIS format for the maps (allowing ease in updating and revision).*

*Arizona Revised Statutes (ARS) (§9-461.06) allows for the amendment of the City's General Plan through a minor and a major procedure, with such procedures identified in the general plan. For the Planning and Zoning Commission, the major amendments are presented at a single public hearing at a regularly scheduled meeting within the calendar year the proposal is made.*

*ARS (§9-461.05) also prescribes a 60-day review period for all Major General Plan Amendments. This year, the 60-day review period occurred between August 4th and October 3rd, 2016. The proposed changes were transmitted to all of the entities prescribed under ARS. The text and maps for the Land Ownership Map, Land Use Map, Circulation Map, Downtown Development and Neighborhood Preservation Map (to be deleted), Growth Areas Element, Parks, Open Space and Trails Element and Housing Element were also posted for review on the City's website and at the Eloy Library. An open house was also publicized and held on September 7<sup>th</sup>, 2016 at the Eloy Library to provide an opportunity for the public to attend and have any questions answered. A total of two residents attended. At the conclusion of the 60-day review period, the City did not receive any formal comments on these proposed changes.*

### **STAFF FINDINGS:**

*Notifications of the October 19, 2016 and the November 14, 2016 public hearings required for this proposed Minor General Plan Amendment have been completed in accordance to the notice requirements set forth in the Eloy Zoning Ordinance. A public hearing was held by the Planning and Zoning Commission, who approved it on a 4-0 vote, on October 19, 2016. Staff has been incrementally updating the 11 elements of the plan to maintain a current and consistent general plan over the past two years. The original general plan was adopted in 2011 and there have been substantial internal and external changes to the planning area over the past five years to make these updates necessary. Staff updated (and the Planning and Zoning*



*recommended approval and City Council subsequently approved) the Land Use and Circulation Elements in 2015.*

***FISCAL IMPACT: N/A***

Mayor Belloc declared a public hearing open to allow comments and/or questions from the public pertaining to this request.

Mr. Vlaming gave a brief overview of the major general plan amendment request.

Mr. Vlaming fielded several questions from Council.

There being no questions or comments from the public, Mayor Belloc declared the public hearing closed.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to read Resolution No. 16-1399, passed unanimously.

Mrs. Myers read the resolution title for the record.

Motion by Vice Mayor Powell, seconded by Councilmember Tidwell to adopt Resolution No. 6-1399, passed unanimously by roll call vote.

- K. CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO.: 16-1401 APPROVING A STAFF INITIATED MAJOR GENERAL PLAN AMENDMENT ON A TOTAL OF APPROXIMATELY 1,135 ACRES FROM GENERAL INDUSTRIAL (GI) AND ESTATE DENSITY RESIDENTIAL (EDR) TO MIXED USE (MU), COMMUNITY COMMERCIAL (CC), LOW DENSITY RESIDENTIAL (LDR), MEDIUM DENSITY RESIDENTIAL (MDR) AND HIGH DENSITY RESIDENTIAL (HDR). SUBJECT PARCELS ARE LOCATED IN THE NORTHEAST PORTION OF THE PLANNING AREA; ASSESSOR'S PARCEL NUMBERS: 401-48-026A, 401-48-026B, 401-48-026C, 401-48-702, 401-48-705 AND 401-75-001B IN A PORTION OF SECTIONS 17,20, AND 21 OF T7S, R8E OF THE G&SRB&M, PINAL COUNTY, ARIZONA. CASE NO.: GPA16-010.**

**Cover sheet discussion:**

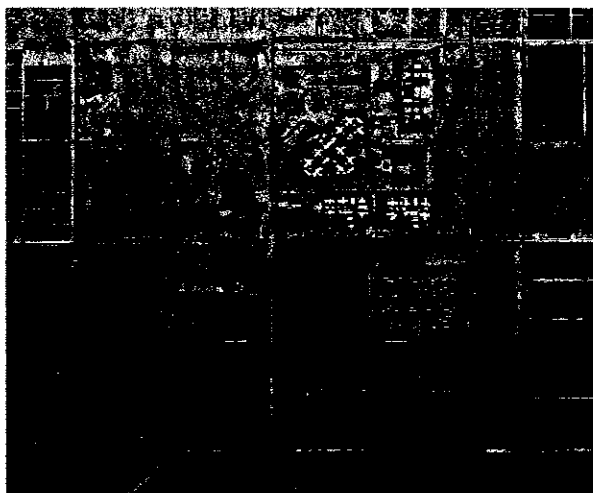
1. *Council conduct a public hearing on Case No. GPA16-1401, a Major General Plan Amendment on approximately 1,135± acres within an area generally bounded by Highway 87 to the east, Cornman Road to the north, Houser Road to the south and Sunshine Boulevard to the west designating land uses from General Industrial and Estate Density Residential to Mixed Use (MU), Community Commercial (CC), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR).*

2. *City Council adopt Resolution No.: 16-1401 approving a Major General Plan Amendment (Case No.: GPA16-010) on approximately 1,135± acres within an area generally bounded by Highway 87 to the east, Cornman Road to the north, Houser Road to the south and Sunshine Boulevard to the west designating land uses from General Industrial and Estate Density Residential to Mixed Use (MU), Community Commercial (CC), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR).*

**DISCUSSION:**

*The subject parcels are currently part of the existing City of Eloy General Plan. The City of Eloy worked with one of the parcel owners (JLC Family Investments LLC, Pinal County Assessor's Parcel Number: 401-75-001B to annex it into the City. As such, the property owner identified that the presence of a significant amount of General Industrial use within this region (with the presence of a substantial amount of General and Light Industrial designated land between Interstate 10 and Frontier Street to the south) allowed for a critical reevaluation of the appropriate uses for this area. The Community Development Department staff subsequently made contact with several of the property owners (as identified on the list below) to determine their level of interest in joining the Major General Plan effort of JLC FAMILY INVESTMENTS LLC to reevaluate the designation(s) of their respective properties.*

*The properties that are subject to this request are located within an area bounded by Highway 87 to the east, Cornman Road to the north, Houser Road to the south and Sunshine Boulevard to the west. These parcels are identified by Pinal County Assessor's Numbers: 401-48-026A, 401-48-026B, 401-48-026C, 401-48-702, 401-48-705 and 401-75-001B.*



<b>APN</b>	<b>NAME</b>	<b>CURRENT LAND USE</b>	<b>PROPOSED LAND USE</b>
401-48-026A	OLAF LLC	ESTATE DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL
401-48-026B	OLAF LLC	ESTATE DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL
401-48-026C	OLAF LLC	ESTATE DENSITY RESIDENTIAL	MEDIUM DENSITY RESIDENTIAL
401-48-702	STATE LAND	GENERAL INDUSTIRAL	LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL
401-48-705	STATE LAND	GENERAL INDUSTRIAL	MEDIUM DENSITY RESIDENTIAL
01-75-001B	JLC FAMILY INVESTMENTS LLC	GENERAL INDUSTRIAL	HIGH DENSITY RESIDENTIAL, MEDIUM HIGH DENSITY RESIDENTIAL, MIXED USE AND COMMUNITY COMMERCIAL

*This request, if approved, would amend the Eloy General Plan Land Use Plan from approximately 1,135± acres of General Industrial and Estate Density Residential to Mixed Use (MU), Community Commercial (CC), Low Density Residential (LDR), Medium Density Residential (MDR) and High Density Residential (HDR). The intent of this request is to adjust the future land use pattern to reduce the amount of General Industrial identified in this portion of the City's Planning Area. Due to the extensive amount of general and light industrial designated property within the Interstate 10 and Frontier Street Corridor to the south, the presence of master planned communities to the south and the future location of the North-South Freeway to the east, it was deemed to be prudent to shift the land use pattern to leverage these land use and transportation improvements.*

*Arizona Revised Statutes (ARS) (§9-461.06) allows for the amendment of the City's General Plan through a minor and a major procedure, with such procedures identified in the general plan. For the Planning and Zoning Commission, the major amendments are presented at a single public hearing at a regularly scheduled meeting within the calendar year the proposal is made.*

*ARS (§9-461.05) also prescribes a 60-day review period for all Major General Plan Amendments. This year, the 60-day review period occurred between August 4th and October 3rd, 2016. The proposed changes were transmitted to all of the entities prescribed under ARS. The existing and proposed maps and narrative were also posted for review on the City's website and at the Eloy Library. An open house was also publicized and held on September 7<sup>th</sup>, 2016 at the Eloy Library to provide an opportunity for the public to attend and have any questions answered. A total of two residents attended. At the conclusion of the 60-day review period, the City did not receive any formal comments on these proposed changes.*

**STAFF FINDINGS:**



*Notifications of the October 19, 2016 and the November 14, 2016 public hearings required for this proposed Minor General Plan Amendment have been completed in accordance to the notice requirements set forth in the Eloy Zoning Ordinance. A public hearing was held by the Planning and Zoning Commission, who approved it on a 4-0 vote. There was no comment from the public on this item.*

*Staff has reviewed these proposed uses and finds them to be compatible with the adjacent future land uses of the surrounding area based on the fact that this request is compliant with the following Eloy General Plan Goals and Objectives:*

- Goal 1. Provide a range of land uses to encourage and maintain a sustainable community.*
- Objective 1. Maintain transitional buffers between high and lower impact land uses.*
- Objective 4. Maintain land use designation target ratios when amendments are proposed.*

*This request also conforms with the General Plan Amendment Guidelines:*

- 1. That the City has not provided adequate land uses designated that would allow for the proposed use to be sited as proposed. In this case, the City had an abundance of general industrial designated land that is challenged by lack of transportation access and visibility; incompatibility with recommended uses to the south, and an extensive inventory of General Industrial designated land located between Frontier Street and Interstate 10.*
- 2. That the amendment constitutes an overall improvement to the General Plan and will not solely benefit a particular landowner or owners at any particular point in time but will be of benefit to the City in general. The ability to guide an area that is under consideration for annexation allows for the recommended land use pattern to foster a compatible, functional and fiscally beneficial land use pattern for the subject area.*
- 3. The amendment will not adversely impact any portion or entirety of the community, by:*
  - Significantly altering acceptable existing and planned land use patterns, (The uses recommended for these parcels are compatible with the existing and recommended future land use pattern of surrounding properties and the proposed uses are supported by the parcel owners.)*
  - Require additional and more expensive infrastructure improvements to roads, sewer, or water delivery systems than are needed to support the prevailing land uses and may impact developments in other areas, unless otherwise negotiated through a development agreement, or other mitigation plan, and demonstrated to be of benefit to the City, (The City*

*currently does not have water and sewer service to the parcels. The nearest water line is at the intersection of Battaglia Road and Sunshine Boulevard, approximately five (5) miles to the south).*

- *Adversely impact existing or previously planned uses through an Adversely unreasonable increase in traffic generated on existing systems by the proposed use, or State Route 87 (SR87) is designated as a State Highway on the General Plan Circulation Map. The City has also identified that SR87 is its preferred location for North-South Corridor, and is also identified on the General Plan Circulation Map. As such, SR87/North South Corridor is expected to easily accommodate the anticipated traffic generated by these residential and non-residential uses).*
  - *Adversely affect the livability of an area within the City or the health and safety of the residents. (The transition of General Industrial to residential uses enhances the livability of the area and the transition of Estate Density Residential to Medium Density Residential provides opportunities to continue the MDR pattern to north in an effort to provide more affordable housing opportunities and population that enhances retail expenditures).*
4. *That the amendment is consistent with the General Plan's overall intent and other adopted plans, codes, and ordinances. (These recommended uses support the intent of the General Plan and are consistent with the existing and planned uses on the parcels).*

***FISCAL IMPACT: N/A***

Mayor Belloc declared a public hearing open to allow comments and/or questions from the public regarding this request.

Mr. Vlaming gave a brief overview of the proposed major general plan amendment request.

There being no questions or comments from the public, Mayor Belloc declared the public hearing closed.

Motion by Vice Mayor Powell, seconded by Councilmember Nagy to read Resolution No. 16-1401, passed unanimously.

Mrs. Myers read the resolution title for the record.

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to adopt Resolution No. 16-1401, passed unanimously by roll call vote.

**L. COUNCIL CONSIDER APPROVAL OF CHANGE ORDER NO. 1 IN THE AMOUNT OF \$17,355.00 FOR THE DESIGN & CONSTRUCTION OF THREE TAXI-LANES AT THE ELOY MUNICIPAL AIRPORT.**

**Cover sheet discussion:** *Council approve Change Order No 1 in the amount of \$17,355.00 for the design & construction of three taxi-lanes at the Eloy Municipal Airport which will allow for the construction of new t-hangars.*

**DISCUSSION:**

*On February 6, 2015, the City of Eloy received a fully executed Airport Development Reimbursable Grant Agreement between the State of Arizona, Department of Transportation and the City of Eloy for the design and construction of three taxilanes in the amount of \$1,102,500.00. The City allocated \$112,500.00 for the local match required for the completion of this project.*

*Council approved a Construction Agreement with Pavex Corporation in the amount of \$387,387.00 for the construction of the three taxilanes on May 9, 2016. The three taxi-lanes were completed and a final walkthrough was conducted on September 19, 2016. This project was completed in accordance with ADOT guidelines and specifications.*

*This change order is needed due to an increase in the quantity of valley gutter. The change order was based upon a design suggestion by ADOT to change the pavement grade on the south half of the apron to slope the pavement to the center to accommodate future hangar pads. The change order required a valley gutter at pavement centerline. This design replicates the design used for the two hangar pavement areas constructed per the scope of this project as reflected on the attached exhibit.*

*The design took into account the FAA AC Circular minimum requirements for transverse grading slopes on the taxilane pavement surfaces, as well as the first 10 feet off of the pavement edge to be at a 1.5% grade. The grade was raised to accommodate the future hangar pads. This accounts for the extra unclassified excavation that is shown in the final quantities as well as the valley gutter.*

*A small amount of valley gutter was added based upon a recommendation from the contractor (Pavex). The original plans didn't have the concrete daylight to the edge of the pavement, and Pavex indicated that there would be value with very little additional cost (replacing pavement with concrete), in extending the valley gutter from the T-Hangar to the edge of pavement. The engineer agreed that this would add value to the project and decrease any chance for any bird baths occurring during the rainy season at these locations.*

**Change order #1 consists of the following:**

1. *The project incorporated grading changes to anticipate future T-hangars and these grading changes required extra valley gutter. The valley gutter and pavement grade changes add value to the constructed taxilanes/hangars. The grading changes were not required per the scope of this project, but because the project came in well under the estimate, ADOT recommended this change. Since additional funding dollars were available, the cost benefit for this change was reasonable and appropriate.*
  - a. *The reconciliation of quantities (final change order) cost is \$17,355.00, and Eloy's portion of the cost is \$1,736.00.*
  - b. *Change Order # 1 represents an increase in quantities in the following items:*

<i>Description of work</i>	<i>Contract Quantity</i>	<i>Actual Quantity Completed</i>	<i>Quantity Difference</i>	<i>Final Cost</i>
<i>Concrete gutter</i>	<i>424 LF</i>	<i>864 LF</i>	<i>440 LF</i>	<i>\$17,600</i>
<i>Aggregate base course</i>	<i>2,925 CY</i>	<i>2945 CY</i>	<i>20 CY</i>	<i>\$400.00</i>
<i>Unclassified Excavation</i>	<i>10,076 CY</i>	<i>13101 CY</i>	<i>3025 CY</i>	<i>\$6050.00</i>
<i>Pavement markings</i>	<i>910 LF</i>	<i>924 LF</i>	<i>14 LF</i>	<i>\$70</i>
<i>Chain-link fence</i>	<i>910 LF</i>	<i>916 LF</i>	<i>6 LF</i>	<i>\$210</i>
<i>Asphaltic concrete</i>	<i>1350 TN</i>	<i>1272.50 TN</i>	<i>(77.50) TN</i>	<i>(\$6,975.00)</i>
				<b><i>\$17,355.00</i></b>

*The engineering services on this project has been provided by DOWL Engineers. There have been other issues with DOWL on this project, which have created problems. DOWL has a current project underway entitled Eloy Infield Drainage that DOWL will be allowed to complete, then no additional work will be performed by DOWL. This would necessitate that staff initiate a procurement process to retain the services of a new engineer for the airport.*

#### ***FISCAL IMPACT:***

*This project is an ADOT funded project, therefore ADOT funds 90% of the project and the City's share is 10% of the total cost of the project. The original ADOT grant E5S2U dated December 12, 2014 was for \$1,012,500.00, for the design and the construction of the three taxilanes. The City's required contribution was estimated at \$112,500.00. These numbers were based on the engineer's construction estimate of \$643,806.00.*

*The construction bid was well under the Engineer's Construction estimate of \$643,806. Pavex Corporation's original contract price was \$387,387.00 and with this change order the total construction cost is \$404,742.00.*

*The City's final contribution for the completed project would be \$50,344.20, which includes Change Order # 1. In anticipation for this project, the City allocated a total of \$112,500.00 in the FY2016-17 budget for the completion of the design and construction of the three taxi-lanes, which are needed to construct new t-hangars.*

*The original project estimate was \$1,125,000.00 with ADOT's share \$1,012,500.00 and the City's share \$112,500.00*

*The **actual** project cost was \$503,442 with ADOT's share \$453,097.80 and the City's share \$50,344.20.*

***This Change Order was recommended and approved by ADOT.***

Mr. Martin gave an overview of the purpose for the change order to Council.

Vice Mayor Powell wanted to know who is responsible for the error.

Mr. Martin conveyed that DOWL engineering was selected as the airport engineer for the project. DOWL followed the directions of ADOT; however failed to notify city staff of the change. He said staff was not made aware of the increase until final billing of the project.

Mr. Martin stated that DOWL is currently working on a drainage project for the city. City staff has had numerous conversations with DOWL about the mistakes they made. Mr. Martin recommended the city allows DOWL to finish the design on the drainage project before severing ties with them. At that point, staff will select another engineer for the airport.

Councilmember Tidwell wanted to know if he will ever see a project come before Council without a change order attached to it three or four months later.

Mayor Belloc pointed out that it has been his experience that change orders are part of any project. No matter how detailed a project may be very seldom will there not be change orders on a project.

Motion by Councilmember Tidwell, seconded by Councilmember Rodriguez to approve Change Order No. 1 in the amount of \$17,355.00 for the design and construction of three taxi-lanes at the Eloy Municipal Airport, passed unanimously.

**M. AUTHORIZE PAYMENT OF \$20,000 TO THE PINAL HISPANIC COUNCIL AS MATCHING FUNDS TOWARD THE PRIVATE CONTRIBUTIONS RECEIVED FOR THE CONSTRUCTION OF PHASE 2 OF THE ELOY VETERANS HERITAGE PARK.**

**Cover sheet discussion:** *Council authorize payment of \$20,000 to the Pinal Hispanic Council as matching funds toward the private contributions received for the construction of Phase 2 of the Eloy Veterans Heritage Park.*

***DISCUSSION:***

*During the FY2016-17 budget process, Council received a proposal from Pinal Hispanic Council to fund Phase 2 of the Eloy Veterans Heritage Park. Phase 2 construction was estimated to cost over \$45,000. There was general consensus that the City would match dollar for dollar private donations to the development of phase 2 of the park up to a maximum of \$20,000. The Pinal Hispanic Council has submitted an accounting of its fundraising efforts as well as an invoice for \$45,815 from Age Landscape for completion of phase 2 construction. Based upon cash donations and purchase of brick pavers to be installed within the Park, the Veterans Center has received a total of \$20,527.00. Pinal Hispanic Council wishes to initiate phase 2 construction at this time, and is requesting matching funds of \$20,000 from the City.*

***FISCAL IMPACT:***

*The matching funds for phase 2 park construction would be taken out of "Buildings & Improvements" in the Contingency Fund.*

Councilmember Tidwell made a motion to go into Executive Session for approximately one hour for this item.

Vice Mayor Powell asked Councilmember Tidwell would this be for legal questions.

Councilmember Tidwell said no; this is to discuss the item.

Mayor Belloc asked for legal opinion.

Mr. Cooper conveyed that as stated in VII-C on tonight's agenda under "Executive Session," Council can only go into executive session for any item listed on tonight's agenda, pursuant to A.R.S. §38-431.03 (A) (3) and (4). He said "A (3)" would be for legal advice and "A (4)" would be for contract discussions.



Mayor Belloc called for a second to Councilmember Tidwell's motion to go into Executive Session.

Vice Mayor Powell seconded Councilmember Tidwell's motion.

Mayor Belloc asked for a roll call vote.

Motion to go into executive session for agenda item IX-M, failed by the following roll call votes:

Yea: Councilmember Tidwell; Vice Mayor Powell

Nay: Councilmember Rodriguez; Councilmember Nagy; Mayor Belloc

Mr. Krauss gave an overview of the proposed request to authorize a \$20,000 matching fund to the Pinal Hispanic Council toward Phase 2 of the veteran's park.

Councilmember Tidwell expressed concern about a \$10,000 donation from "Why Not Travel" company for a water feature and a bust. He said this was discussed between the director and the donor and not the veterans committee. Councilmember Tidwell said he does not see this as a "sponsorship" and does not believe the city should match this amount. He pointed out that sponsorships are when companies or individuals give money; not when two people get together with an idea and agree to pay for it.

Ms. Sonnette Chaput, director of the Eloy Veterans Center conveyed that Council was presented with a project cost of \$95,950 last year for both phases which included the water feature. She pointed out that it was also discussed with the committee and not just two members.

Councilmember Tidwell stated during phase 2, the committee discussed putting in more benches. The committee did not want to put in more at that time until there was a demand for more, yet the director put in more benches at a cost of \$3600.00

Ms. Chaput stated this was a private conversation that had taken place outdoors between she and Councilmember Tidwell; it was not discussed with the committee.

Councilmember Tidwell pointed out that Pastor Fred and Johnny Hernandez were present when this was discussed.

Ms. Chaput did not agree with Councilmember Tidwell's recollection. She reiterated that the conversation was private and was not taken to the committee for formal action.

Councilmember Tidwell asked about the rocks the city paid for in phase one that have since been removed and pavers put down. He wanted to know what happened to the rocks.

Ms. Chaput said she has no idea what happened to the rock; this would be a questions for Age Landscaping (park landscaper).

Councilmember Rodriguez asked Ms. Chaput how many members serve on the committee and who makes the final decisions.

Ms. Chaput said there are approximately 12 members. Councilmember Tidwell serves as chairperson for the committee.

Vice Mayor Powell wanted to know if there were any decisions made without the committee's knowledge.

Ms. Chaput said no; she is not aware of any decisions made without the committee.

Vice Mayor Powell said he believes the conflict is more personal than professional. He asked is the project coming in under budget.

According to the original estimate of \$95,950 from Age Landscaping, Ms. Chaput said the project is currently at \$98,224. She said this was an estimate that was submitted to Council last year. However, since that time material costs have increase.

Councilmember Tidwell pointed out a discrepancy on the Pinal Hispanic Council contribution. On the invoice is shows the \$3000 contribution as a "sponsorship" and on the Account Quick Report as a "donation." He asked why the city should match donations when the city agreed to match only sponsorships.

Ms. Chaput said in her opinion the words sponsorship and donation are equivalent. She stated it was worded one way on one form and another way on the other form.

Councilmember Tidwell said if this is a sponsorship, where is the sponsorship plaque located in the park.

Ms. Chaput said it's located on the wall facing the alley.

Vice Mayor Powell said he supports the project and sees it as a great addition to downtown.

Mayor Belloc thanked everyone involved in making the park a successful project. He said this project shows everyone how the community feels about its veterans.

Councilmember Tidwell told Mayor Belloc that he is not disputing what he said and agrees that the park is a wonderful project for Eloy. What he's disputing is what a sponsorship is and what's not. He does not agree with what's been put on the list as a sponsorship.

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to authorize a payment of \$20,000 to the Pinal Hispanic Council as matching funds toward the private contributions received for the construction of Phase 2 of the Eloy Veterans Heritage Park, passed by the following roll call votes:

Yea: Councilmember Nagy; Vice Mayor Powell, Councilmember Rodriguez;  
Mayor Belloc

Nay: Councilmember Tidwell

Mayor Belloc conveyed that Councilmember Galindo asked him to express her full support for this item.

#### **X. INFORMATIONAL ITEMS**

- a. **October Finance Report** – No questions or comments from Council.
- b. **October Check Register** – No questions or comments from Council.

#### **VII. EXECUTIVE SESSION**

Motion by Vice Mayor Powell, seconded by Councilmember Rodriguez to hold an Executive Session at approximately 7:19 p.m. for approximately one hour with the City Attorney (VII-B), City Manager (VII-B) and City Clerk (transcribing) (VII-A&B) for:

- A. Evaluation of City Clerk, pursuant to A.R.S. §38-431.03 (A) (1).
- B. Discussion or consideration of salaries of public officers and employees of public body, pursuant to A.R.S. §38-431.03 (A) (1).

Motion passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 8:31 p.m.

A motion was made by Vice Mayor Powell and seconded by Councilmember Rodriguez to go back into Executive Session at approximately 8:31 p.m. for approximately 30 minutes to continue discussion on item VII-B with the City Attorney, City Manager and City Clerk (transcribing), passed unanimously.

Mayor Belloc reconvened the public meeting at approximately 8:52 p.m.

**XI. ADJOURNMENT**

There being no further business Mayor Belloc adjourned the meeting at approximately 8:31 p.m.

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Joel G. Belloc, Mayor

ATTEST:

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Mary Myers, City Clerk

# CONSENT AGENDA

## CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-B**

Date: 11/28/2016

<b>Date submitted:</b> 11/18/2016	<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other	<b>Subject:</b> Authorize a \$5,000 merit increase to the annual base salary of the City Clerk.
<b>Date requested:</b> 11/28/2016		

**TO:** Mayor and Council Members

**FROM:** Harvey Krauss, City Manager

### RECOMMENDATION:

Council authorize an increase of the City Clerk's base annual salary from \$84,068 to \$89,068 effective November 29, 2016.

### DISCUSSION:

The Mayor and Council conducted its annual performance review of the City Clerk on November 14, 2016. Based upon the results of this review, the Council wishes to provide a merit increase of \$5,000 to the City Clerk's base annual salary. This will result in the annual base salary of the City Clerk being increased from \$84,068 to \$89,068, plus benefits.

### FISCAL IMPACT:

A merit increase of \$5,000 will increase the annual personnel operating budget in the General Fund.

Approved as to Form:

Stephen R. Cooper  
Stephen R. Cooper  
City Attorney

# CONSENT AGENDA

## CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-C**

Date: **11/28/2016**

**Date submitted:**

11/18/2016

**Action:**

☐ Resolution

☐ Ordinance

☒ Formal

☐ Other

**Subject: Authorize the issuance of \$100 vouchers to City employees for use at local IGA Food Town Grocery Stores.**

**Date requested:**

11/28/2016

**TO:** Mayor and Council Members

**FROM:** Harvey Krauss, City Manager

**RECOMMENDATION:**

Council authorize the issuance of \$100 vouchers to City employees for use at local IGA Food Town Grocery Stores.

**DISCUSSION:**

The Mayor and Council wishes to express its appreciation to City employees for its dedicated service to the Eloy community throughout the year with vouchers for groceries. As part of the City's annual employee appreciation luncheon, the Mayor and Council will give full-time regular employees a \$100 voucher to be used at the local IGA Food Town Grocery Stores (Eloy, Robson Ranch and Arizona City). The vouchers may only be used for grocery items (no alcohol or tobacco products) and are not redeemable for cash.

**FISCAL IMPACT:**

The estimated cost of the vouchers would be approximately \$11,500. Since this was not a budgeted expenditure, it will be funded from contingency funds.

Approved as to Form:

Stephen R. Cooper

Stephen R. Cooper  
City Attorney



# CONSENT AGENDA

## CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-D**  
Date: **11/28/2016**

<b>Date submitted:</b> 11/18/2016	<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other	<b>Subject:</b> Authorize the City to enter into an Intergovernmental Agreement with the Arizona Department of Housing to allow the Building Official to enforce installation standards for Manufactured Housing locating within the City of Eloy.
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**TO:** Mayor and Council Members

**FROM:** Harvey Krauss, City Manager

### RECOMMENDATION:

Council authorize the City to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Housing Office of Manufactured Housing to allow the Building Official to enforce installation standards for manufactured housing locating within the City of Eloy.

### DISCUSSION:

Over the past several years City staff has been responsible for enforcing State requirements for the installation of manufactured housing locating within the City of Eloy. The existing IGA with the State for enforcing installation standards for manufactured housing was approved by the City in January 2012, and expires on January 20, 2017. The State provides safety and installation standards for manufactured homes, factory-built buildings, and mobile homes. In lieu of the State enforcing these requirements, it is more efficient for the State to delegate these responsibilities to local building officials. Joey Martinez, the City's Building Official, is familiar with the State requirements for installing manufactured housing.

The IGA has a five year term from the date of approval, and may be terminated by either party without cause with 30 days written notice.

### FISCAL IMPACT:

Permit and inspection fees required for the installation and inspection of manufactured housing units within Eloy will be collected and retained by the City of Eloy.

Approved as to Form:

*Stephen R. Cooper*  
Stephen R. Cooper  
City Attorney

**AGREEMENT**

**BETWEEN**

**ARIZONA DEPARTMENT OF HOUSING  
OFFICE OF MANUFACTURED HOUSING**

**AND**

**CITY OF ELOY**

**TO ENFORCE INSTALLATION STANDARDS**

This **AGREEMENT** ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **ARIZONA DEPARTMENT OF HOUSING, OFFICE OF MANUFACTURED HOUSING** ("OMH") and the City of Eloy ("Agency").

**WHEREAS**, pursuant to A.R.S. § 41-4002 the purpose of OMH is to maintain standards of quality and safety for manufactured homes, factory-built buildings, mobile homes, and the installation of the same.

**WHEREAS**, A.R.S. § 41-4004 (B) (5) directs OMH to enter into agreements with local enforcement agencies to enforce the installation standards in their respective jurisdictions consistent with the installation standards of OMH; and

**WHEREAS**, it is the desire of both parties to eliminate unnecessary duplication of inspections regarding installation standards within the Agency's jurisdiction;

**NOW, THEREFORE**, in consideration of the premises and mutual promises and undertakings herein contained, and for other good and valuable consideration, the parties agree as follows:

1. **Monitoring and Enforcement.** For the duration of this Agreement, the Agency will monitor and enforce the installation standards set forth in A.R.S. § 41-4004 (B) (4) and A.A.C. R4-34-102 as they apply to installation standards and accessory structures.
2. **Term.** The term of this Agreement shall be for five (5) years from the date of this Agreement.
3. **Standards of Performance.** In exercising the authority delegated hereunder the Agency shall perform to the same standards of performance that the law imposes upon OMH in exercising the authority described in section 1 hereof. In addition, the Agency shall not approve any installation unless the installer affixes a State Insignia of Approval as required by A.A.C. R4-34-802 (A) and pays to the Agency the fee established by OMH pursuant to the authority by A.A.C. R4-34-501 and as permitted by A.A.C. R4-34-506.
4. **Monthly Reporting.** The Agency in this Agreement shall submit a Monthly IGA Report to OMH. A copy of each closed mobile home/HUD manufactured home or FBB permit shall be

submitted with the monthly report. The monthly report with copies of permits shall be submitted by mail, fax, or email, on or before the 15<sup>th</sup> of the following month. OMH will provide the monthly report format which will require the following be collected and documented:

- a. ARZ HUD label number(s) or FBB manufacturers insignia number
- b. Unit serial number
- c. Installation insignia or FBB plan approval number
- d. Address of installation
- e. Date of approved final installation inspection

5. Fees Charged by the Agency. Permit fees charged by the Agency shall be the same as the Fee Schedule created by OMH pursuant to its authority under A.R.S. § 41-4010 (A) (4) and A.A.C. R4-34-501 and no more than permitted by R4-34-801(E). All fees collected by the Agency shall be kept by the Agency as compensation for the services performed by the Agency under this agreement. The Agency shall not be entitled to any other compensation for services rendered by it under this Agreement.

6. Termination. Either party may terminate this Agreement at any time without cause by giving the other party thirty (30) days written notice prior to the date of termination. Additionally, OMH may terminate this Agreement immediately and without notice, if OMH determines that the installation standards required in the Agreement are not being maintained, or that local fees are not consistent with the inspection fees established by the Board of Manufactured Housing.

7. Qualifications of Personnel. The personnel that perform the functions delegated to the Agency in paragraph 1 hereof shall each have no less than one year of experience as a building code inspector or manufactured housing installation inspector.

8. Inspector Training. All Agency Inspectors performing under this Agreement shall participate in required initial and/or periodic training as set and coordinated by the State.

9. Duties of OMH. Should OMH require inspections of any portion of the installation of mobile, manufactured homes, accessory structures or factory built buildings not required by the Rules referred to herein and not covered under this Agreement, OMH shall be responsible for the inspections and enforcement thereof.

10. Notices. All notices shall be mailed or delivered to the party to receive such notice to the following address.

- a. If intended for OMH to:

Arizona Department of Housing  
Office of Manufactured Housing  
1110 West Washington, Suite #280  
Phoenix, AZ 85007-2935

Attn: Debra Blake  
Title: Deputy Director  
Phone: (602) 364-1022

b. If intended for Agency, to:

City of Eloy  
1137 West Houser Rd.  
Eloy, AZ 85131

Attn: Jose Martinez  
Title: Building Official  
Phone: (520) 466-2578

11. Interpretation and Amendments. This Agreement contains the entire agreement between the parties hereto. This Agreement shall not be amended or modified in any manner, except by an instrument in writing signed by the parties hereto.

12. Headings. Headings are for convenience only and are not to be construed as part of this Agreement.

13. Invalidity of a Term. The parties agree that in the event any term, covenant or conditions herein contained should be held to be invalid or void, the invalidity of any such term, covenant or condition shall in no way affect any other term, covenant or condition of this Agreement.

14. Dispute. In the event of any dispute between the parties under this Agreement, the parties agree that they shall submit the dispute to arbitration pursuant to A.R.S. §§ 12-133(D) and 12-1518.

15. Inspection and Audit. Pursuant to A.R.S. §§ 35-214 and 35-215, all books, accounts, reports, files and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement. Such records shall be produced at the Auditor General's Office or such other office as the parties hereto may mutually agree within a reasonable time after request.

16. Conflict of Interest. The parties acknowledge that this Agreement is subject to cancellation by the Governor of Arizona pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein.

17. Prohibition Against Discrimination. In the event that it applies, the parties agree to comply with the Arizona Governor's Executive Order No. 2009-09.

18. Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona. The exclusive venue for any litigation, arbitration, administrative hearing or the like concerning this Agreement or any matter arising therefrom shall be in Maricopa County, State of Arizona.

19. Unavailability of Funding. Every payment or financial obligation of the parties under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement,

this Agreement may be terminated by any party at the end of the period for which funds are available. No liability shall accrue to any party in the event this provision is exercised, and neither the OMH or Agency shall be obligated or liable for any future payments nor for any damages as a result of termination under this paragraph.

20. E-verify. To the extent applicable under A.R.S. § 41-4401, each party and its respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to its employees and compliance with the E-verify requirements under A.R.S. § 23-214(A). Each party has the right to inspect the papers of the other party or its subcontractors participating in this Agreement and may result in the termination of the Agreement by a non-breaching party under terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement and have executed this Agreement the day, month and year first written above.

ARIZONA DEPARTMENT OF HOUSING:

CITY OF ELOY:

Names: \_\_\_\_\_

Michael Traylor, Director  
Arizona Department of Housing

Name: \_\_\_\_\_

Joel Belloc, Mayor

ATTEST: \_\_\_\_\_

Mary Myers, City Clerk

Debra Blake, Deputy Director  
Arizona Department of Housing  
Office of Manufactured Housing

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

This Intergovernmental Agreement has been reviewed by the undersigned attorney for the Agency who has determined that it is in appropriate form and within the powers and authority granted by law to the Agency designed herein.

BY: \_\_\_\_\_  
Stephen Cooper, City Attorney

This Intergovernmental Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers granted under the laws of the State of Arizona to those Parties to the Agreement represented by the Attorney General.

Dated this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

BY: \_\_\_\_\_  
Valerie L. Marciano, Esq.  
Assistant Attorney General



# CONSENT AGENDA

## CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-E**

Date: 11/28/2016

<b>Date submitted:</b> 11/18/2016	<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other	<b>Subject:</b> Council authorize City staff to apply for Federal grant funds to improve Toltec Road from Battaglia Road to I-10, and Battaglia Road from Sunshine to Hwy 87.
<b>Date requested:</b> 11/28/2016		

**TO:** Harvey Krauss, City Manager

**FROM:** Lance D. Dunagan, Public Works Superintendent

### RECOMMENDATION:

Council authorize City staff to apply for Federal grant funds to improve Toltec Road from Battaglia Road to I-10, and Battaglia Road from Sunshine to Highway 87.

### DISCUSSION:

In February of 2016, the Sun Corridor Metropolitan Planning Organization (SCMPO) released a call for projects for funding by the State Transportation Improvement Program (TIP) for the years 2017 through 2025 to the member agencies of the SCMPO. Eloy Public Works staff prepared five nominations for projects.

Through the scoring and ranking process of the SCMPO Technical Advisory Committee, two Eloy projects were selected for placement on the State TIP. The first was Toltec Road from Battaglia Road to the I-10 traffic interchange, and the second was Battaglia Road from Sunshine Boulevard to State Road 87. Toltec Road would be scheduled for design in 2017 with construction in 2019, while Battaglia Road would be designed in 2019 with construction in 2021.

The inclusion of Eloy's projects were subsequently approved by the SCMPO Executive Board in May of 2016. The placement of the two projects has allowed staff to request no cost pre-scoping from ADOT through the Planning Assistance for Rural Areas program, which will be underway in the near future. Pre-scoping will help to lower the design costs, accurately predict the construction cost, and shorten the design time.

With Council's approval, ADOT will prepare an Intergovernmental Agreement (IGA) for the Toltec Road project, and staff will return to Council in January for final approval and signature. The grants include a local match of approximately 5.7%. The costs to the City are depicted below under **Fiscal Impact**.

**FISCAL IMPACT:**

The local match value of each phase is due prior to the beginning of work on that phase. Costs are currently estimated as follows:

**Toltec Road, Battaglia to I-10**

Phase	Year	Federal Money	Local Match	Total
Design	2019	\$131,058	\$8,432	\$139,490
Construction	2021	\$391,032	\$23,636	\$414,668

**Battaglia Road, Sunshine Boulevard to State Road 87**

Phase	Year	Federal Money	Local Match	Total
Design	2019	\$144,000	\$8,208	\$152,208
Construction	2021	\$516,792	\$29,457	\$546,249

Approved as to Form:

Stephen R. Cooper  
Stephen R. Cooper  
City Attorney

# CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-F**

Date: 11/28/2016

**Date submitted:**

11/18/2016

**Action:**

☐ Resolution

☐ Ordinance

☐ Formal

☒ Other

**Subject:** Presentation from Mr. Ken Hall, Executive Director of the Central Arizona Governments (CAG), on the structure and services provided by CAG

**Date requested:**

11/28/2016

**TO:** Mayor and Council Members

**FROM:** Harvey Krauss, City Manager

**RECOMMENDATION:**

Council to receive a presentation from Mr. Ken Hall, Executive Director of the Central Arizona Governments (CAG), on the structure and services provided by CAG.

**DISCUSSION:**

Mr. Ken Hall requested to be on the Council agenda to provide an overview of CAG. He has been providing this presentation to all member cities and towns of CAG. This presentation is for information only, and no Council action is required.

**FISCAL IMPACT:** N/A

Approved as to Form:

Stephen R. Cooper

Stephen R. Cooper  
City Attorney

# CENTRAL ARIZONA GOVERNMENTS

**Eloy, Arizona**  
*November 28, 2016*



## AGENCY OVERVIEW



**One Region • No Boundaries**



# CENTRAL ARIZONA GOVERNMENTS

## CAG

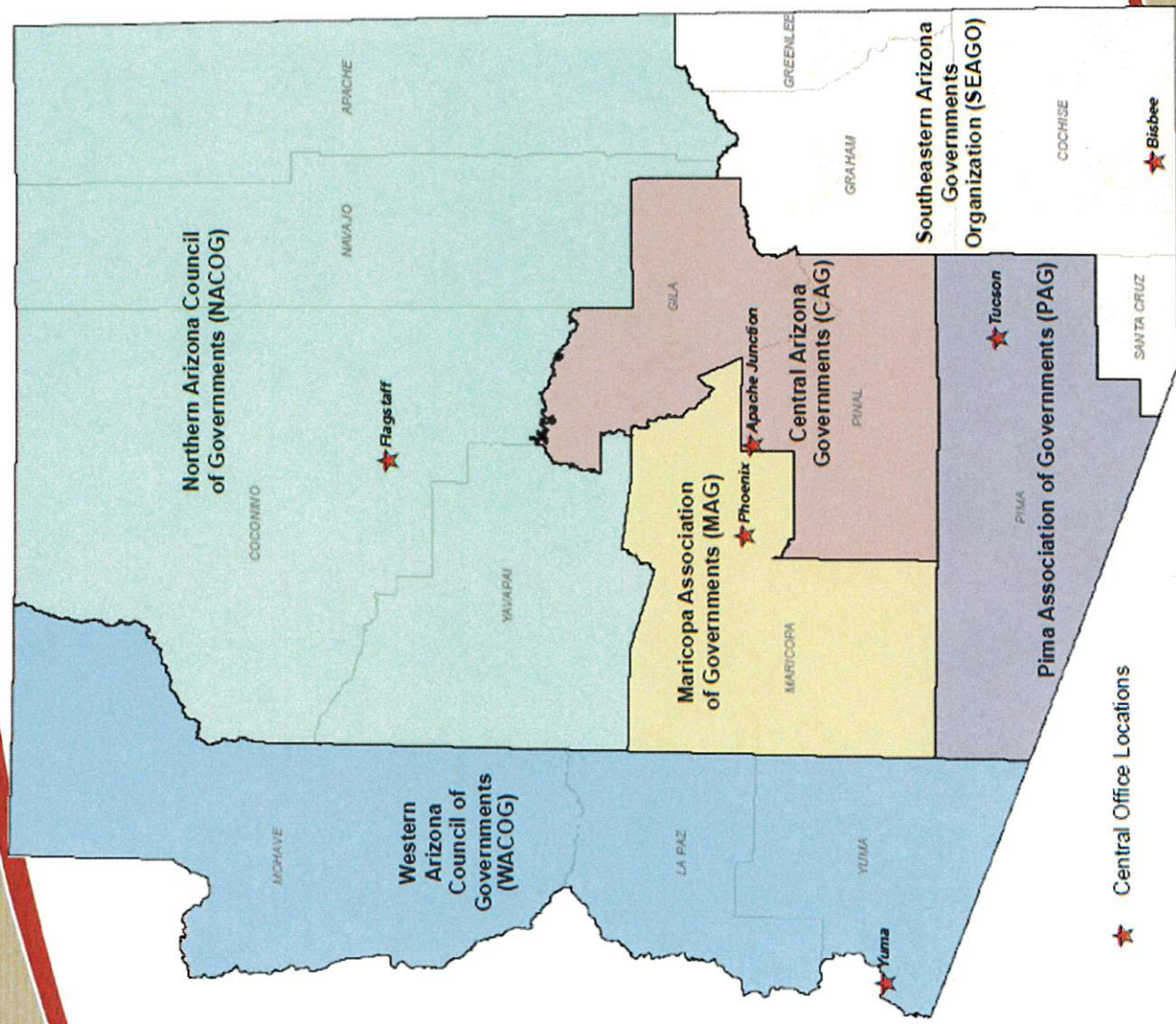
- CAG is one of Six Councils of Governments in Arizona.
- Executive Order 70-2 – Signed July 8, 1970
- CAG was Incorporated on July 28, 1975



One Region • No Boundaries







★ Central Office Locations

One Region • No Boundaries



# CAG MEMBER AGENCIES

## **23 Member Governments**

- **11 Municipalities in Pinal County**

Apache Junction, Casa Grande, Coolidge, Eloy, Florence, Kearny, Mammoth, Marana, Maricopa, Queen Creek, Superior

- **Six Municipalities in Gila County**

Globe, Hayden, Miami, Payson, Star Valley, Winkelman

- **Gila and Pinal County Governments**

- **Four Native American Communities**

Ak-Chin, Gila River, San Carlos Apache and

White Mountain Apache Native American Communities



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# CAG REGIONAL GOVERNANCE

## ***Agency Committees***

- Transportation Technical Advisory Committee (TTAC)
- Environmental Planning Committee
- Comprehensive Economic Development Strategy (CEDS) Committee

## ***Management Committee***

- City and Town Managers, Town Clerks, Tribal Managers or their authorized appointees

## ***Regional Council***

- Mayors, County Supervisors, Tribal Governors or their political governmental representatives



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# **CITY OF ELOY**

## **REPRESENTATIVES TO CAG**

- **Mayor Joel Belloc–**
  - **CAG Regional Council**
- **Harvey Krauss, City Manager –**
  - **CAG Management Committee**
- **Ken Martin, Public Works Director –**
  - **CAG Environmental Planning Committee**
- **Zenia Cornejo, Management Assistant –**
  - **CAG Comprehensive Economic Development Strategy (CEDS) Committee**



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# CAG DEPARTMENTS

- ADOT – Transportation Planning
- Community Development Block Grants (CDBG)
- ADEQ – Environmental Planning
- Economic Development
- Information Services
- Community Development Planning
- Workforce Innovation and Opportunity Act (WIOA) [Arizona@Work](mailto:Arizona@Work) for Pinal County



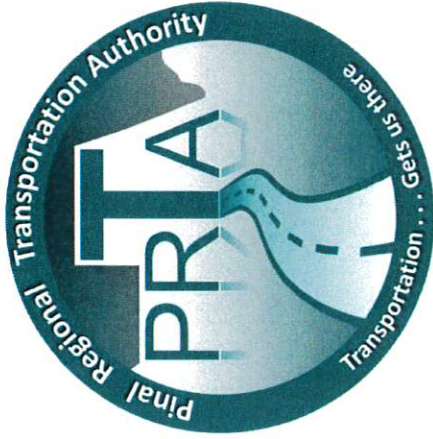
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# CAG Economic Development District



# Pinal Regional Transportation Authority



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## IN SUMMARY

- CAG is here to assist our communities in any way possible.
- Please contact us if you need assistance.
- Any Questions?



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# **CONTACT INFORMATION**

***Kenneth Hall, AICP, EDFP***

***Executive Director***

***Central Arizona Association of Governments***

***1075 South Idaho Road, Suite 300***

***Apache Junction, Arizona 85119***

***(480) 473-9300***

***khall@cagaz.org***

**CAG Website:**

**[www.cagaz.org](http://www.cagaz.org)**



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# CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-G**

Date: 11/28/2016

<b>Date submitted:</b> 11/18/2016	<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Formal <input checked="" type="checkbox"/> Other	<b>Subject: Quarterly Update from Jim Dinkle on Economic Development Activities and Projects.</b>
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**TO:** Mayor and Council Members

**FROM:** Harvey Krauss, City Manager

## RECOMMENDATION:

Council to receive a quarterly update from Mr. Jim Dinkle on economic development activities and projects.

## DISCUSSION:

On July 25, 2016 the Mayor and Council approved an agreement with Mr. Jim Dinkle to provide for economic development consulting services focusing on marketing activities and business attraction and retention. This agreement provided for regular reporting to the City Manager and City Council on his activities. The purpose of this presentation is to provide the Mayor and Council with an overview of activities completed by Mr. Dinkle since the agreement became effective on August 1, 2016.

**FISCAL IMPACT:** N/A

Approved as to Form:

Stephen R. Cooper  
Stephen R. Cooper  
City Attorney

# CITY OF ELOY REQUEST FOR COUNCIL ACTION

Agenda item **IX-H**

Date: 11/28/2016

<b>Date submitted:</b> 11/18/2016	<b>Action:</b> <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Other	<b>Subject:</b> Acceptance of the Comprehensive Services Delivery and Staffing Review of the Eloy Police Department prepared by Citygate Associates, LLC.
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**TO:** Mayor and Council Members

**FROM:** Harvey Krauss, City Manager

## **RECOMMENDATION:**

Council accept the Final Report of the Comprehensive Services Delivery and Staffing Review of the Eloy Police Department prepared by Citygate Associates, LLC.

## **DISCUSSION:**

On April 11, 2016 the Council approved a Professional Services Agreement with Citygate Associates to perform a Comprehensive Services Delivery and Staffing Review of the Police Department. The purpose of the performance review was to evaluate all aspects of field, command, and support operations, such as staffing levels, policies and procedures, professional standards, training, internal affairs, and other specialty services. The draft review, which was completed on October 28, 2016, has been reviewed by City management and the Police Chief, and comments have been provided to Citygate Associates.

The final report generated various recommendations to meet current best practices in the delivery of police services, and represents a strategic planning document to guide the management of the department's operations over the next several years. Several of the Citygate recommendations have major budgetary implications. Thus, staff will need to develop an implementation plan with short-term and long-term objectives, and those recommendations having fiscal implications will be considered for funding through the annual budget process.

## **FISCAL IMPACT:**

The Police operations review was completed by Citygate Associates within the maximum contract amount of \$59,933, which included any reimbursable expenses. The fiscal impact of implementing the recommendations within the report have not yet been determined.



Approved as to Form:

Stephen R. Cooper  
Stephen R. Cooper  
City Attorney